

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT A. MAHAFFY,

Plaintiff,

-against-

THE CITY OF NEW YORK, THE NEW YORK CITY
DEPARTMENT OF EDUCATION, BRONX
AEROSPACE ACADEMY HIGH SCHOOL, and
BARBARA KIRKWEG, in her official and individual
capacities,

Defendants.

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**ORDER STAYING
PROCEEDINGS**

09-CV-1593 (AKH)

WHEREAS, the parties in this case appeared on May 22, 2009, for an initial conference pursuant to Rule 16 of the Federal Rules of Civil Procedure;

WHEREAS, pursuant to this Court's order of April 20, 2009 defendant Barbara Kirkweg's time to make motions attacking service of process, personal jurisdiction and venue was extended to July 6, 2009 and her time to Answer or otherwise move against the Complaint was extended to August 3, 2009;

WHEREAS, the Court has been advised that Office of the Special Commissioner of Investigation of the New York City School District ("SCI") is currently conducting an investigation relating to possible financial improprieties concerning Bronx Aerospace Academy High School, the outcome of which may be relevant to the litigation of this case; and

WHEREAS, the Defendants requested a stay of all proceedings pending SCI's report on the outcome of its investigation and Plaintiff opposed Defendants' request;

IT IS ORDERED that Defendants' request is granted and this action is hereby stayed, in all respects, until either SCI reports on or provides notice to Defendant New York

Department of Education of the outcome or conclusion of its investigation or August 20, 2009, whichever occurs sooner. Defendant Barbara Kirkweg shall make any motions attacking service of process, personal jurisdiction and venue within 7 days after notification of the expiration of this stay, but no sooner than July 6, 2009, and shall Answer or otherwise move against the Complaint within 11 days after notification of the expiration of this stay, but no sooner than August 3, 2009.

Dated: New York, New York

May 1, 2009

June 1, 2009



United States District Judge